

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONSTANCE GRAHAM

Plaintiff,

v.

**ELMIRA CITY SCHOOL DISTRICT, EMIRA
CITY SCHOOL DISTRICT, BOARD OF
EDUCATION,**

Defendants.

Notice of Motion

**No.: 6:10-cv-06645
(MAT / JWF)**

PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law in Support of Dismissal, the defendants Elmira City School District and the Elmira City School District Board of Education, will request that the Honorable Michael A. Telesca, United States District Court Judge for the Western District of New York, at the United States Courthouse, 100 State Street, Rochester, New York at 9:00 a.m. on February 25, 2011, or as soon thereafter as the Defendants may be heard, issue an order, pursuant to Fed. R. Civ. P. 12(c) and Fed. R. Civ. P. 12(b)(1), dismissing all causes of action alleged in the plaintiff's complaint.

PLEASE TAKE FURTHER NOTICE, that pursuant to local rule 7.1(c), the moving party intends to serve and file reply papers and thus opposing papers in response to this motion must be served filed at least eight business days prior to the return date of his motion.

PLEASE TAKE FURTHER NOTICE, that the defendants do not request oral argument on this motion.

Dated: February 4, 2011
East Syracuse, New York

Respectfully submitted,

The Law Firm of Frank W. Miller

/s/ Frank W. Miller

Attorneys for Defendants

Office and Post Office Address:
6575 Kirkville Road
East Syracuse, New York 13057
Telephone: 315-234-9900
Facsimile: 315-234-9908
Email: fmiller@fwmillerlawfirm.com

TO: United States District Court
Western District of New York
Via Electronic Filing

Van Henri White
18 Grove Place East
Rochester, New York 14605
Via Electronic Filing